ATTACHMENT O

Deposition of Roger Beck

U.S. DISTRICT COURT

FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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LISA LAMBERT,	*	
Plaintiff	*	NO.: C.A.96-247-ERIE
vs	*	
SUPERINTENDENT,	*	
WILLIAM WOLF,	*	
et al.,	*	
Defendants	*	
	*	

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DEPOSITION OF

ROGER BECK

SEPTEMBER 10, 1998

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U.S. DISTRICT COURT

FOR THE WESTERN DISTRICT OF PENNSYLVANIA

* * * * * * * * *

ROBIN PHILLIPS, Plaintiff

vs

SUPERINTENDANT WILLIAM WOLF, et al., Defendants

NO.: C.A.98-59-ERIE

* * * * * * * * *

DEPOSITION OF

ROGER BECK

SEPTEMBER 10, 1998

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U.S. DISTRICT COURT

FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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	*	
SYLVIA VASQUEZ,	*	
Plaintiff	*	NO.: C.A.98-59-ERIE
vs	*	
SUPERINTENDANT	*	
WILLIAM WOLF,	*	
et al.,	*	
Defendants	*	
	*	

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DEPOSITION OF

ROGER BECK

SEPTEMBER 10, 1998

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DEPOSITION

OF

ROGER BECK, taken on behalf of the Plaintiffs herein, pursuant to the Rules of Civil Procedure, taken before me, the undersigned, Shannon Hagerty, a Court Reporter and Notary Public in and for the Commonwealth of Pennsylvania, at SCI Cambridge Springs, Cambridge Springs, Pennsylvania, on Thursday, September 10, 1998, at 1:22 p.m.

A P P E A R A N C E S

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Deputy Superintendent
Karmanic

I N D E X

WITNESS: ROGER BECK

EXAMINATION

By Attorney Krakoff 7 - 110

CERTIFICATE 111

E X H I B I T   P A G E

NUMBER	DESCRIPTION	PAGE IDENTIFIED

NONE OFFERED

O B J E C T I O N P A G E

ATTORNEY	PAGE
Halloran	30, 31, 38, 53, 104, 106

P R O C E E D I N G S

ROGER BECK, HAVING FIRST BEEN DULY SWORN,
TESTIFIED AS FOLLOWS:

EXAMINATION
BY ATTORNEY KRAKOFF:

Q. **Lieutenant Beck, I assume that you probably know why you're here, but let me just explain briefly. I represent and Mr. Love as Co-counsel represent three women, Silvia Vasquez, Robin Phillips and Lisa Lambert, who have filed separate lawsuits against officials at this prison alleging that their civil rights were violated as a result of what I'll characterize as inappropriate sexual conduct toward them. These are their allegations.**

You're not named --- you're not a Defendant, but you're somebody whose deposition I want to take because I've seen your name on documents that have been furnished in discovery and because I know that at least at one point you were

involved with investigating some issues.

If you don't understand a question just tell me so and I'll rephrase it until you understand it, okay?

A. Understood.

Q. **What year did you begin working at Cambridge Springs?**

A. February of '94, I believe.

Q. **What was that about a --- a little bit over --- somewhat over a year after the institution actually opened?**

A. Correct, sir.

Q. **What was your position when you came here?**

A. My position when I came here was a training sergeant.

Q. **At some point were you promoted?**

A. Correct, sir.

Q. **What were you promoted to?**

A. I was promoted to a lieutenant.

Q. **When did that promotion take place? And by the way, when I ask you when I'm not asking you for a precise date if you don't remember the precise**

date, but give me your best recollection of when it was.

A. I believe it was approximately two years later.

Q. **Okay. So sometime perhaps in early 1996?**

A. I believe so, yes.

Q. **Did any of your responsibilities while you were a training sergeant involve engaging in investigations at the institution?**

A. As a training sergeant?

Q. **Yes.**

A. No, sir.

Q. **Okay. Between the time that you were a training sergeant and appointed a lieutenant, did you have any other positions?**

A. No, sir. When I was training sergeant what I did was just training sergeant.

Q. **Okay. So you remained a training sergeant until the time you became a lieutenant?**

A. Correct, sir.

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Q. **At some point after you were appointed to the position of lieutenant here, did you have involvement with investigations of incidents that occurred or allegedly occurred at the institution?**
A. As a lieutenant, yes, I did.
Q. **Okay. Did you --- was there an investigative unit or office within this institution?**
A. Yes, sir.
Q. **Okay. Was there a name for that?**
A. It would be the intelligence captain's office or the security lieutenant's office.
Q. **Okay. Who was the intelligence captain at the time you were appointed lieutenant? Was it Bartlet (phonetic) or was it Lazenbee (phonetic)?**
A. I believe at that time it was Captain Bartlet.
Q. **Then at some point after that, Lazenbee became the captain?**
A. Correct, sir. I don't have dates or ---
Q. **Sure.**

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A. --- on that.
Q. **Did you become --- and who else was in that office working on investigative matters other than the intelligence captain? Were there any other personnel who assisted on a routine basis in investigations?**
A. I was security lieutenant which was my title also.
Q. **When you became lieutenant --- at the time you became a lieutenant were you named the security lieutenant?**
A. I was named an emergency preparedness coordinator and security lieutenant.
Q. **Okay. You had two hats that you were wearing?**
A. Yes, sir.
Q. **But at the time of your appointment or your promotion to lieutenant one of your pos --- one of your responsibilities was in the area of security lieutenant?**
A. That was one, yes.
Q. **Within that framework as a**

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security lieutenant, you had some responsibilities in connection with investigations?
A. Correct, sir.
Q. **Now, did your responsibilities in the area of investigations extend to both investigating inmates for possible inappropriate conduct as well as personnel or was it limited to one or the other?**
A. It was both, sir.
Q. **How much of your time and it may have changed over time --- strike that before I complete that thought.**
Are you still the security lieutenant at this institution?
A. Basically, yes.
Q. **Approximately how much of your time was spent as a security lieutenant as opposed to the emergency preparedness lieutenant?**
A. It varies depending on what was ---
Q. **Going on.**
A. --- going on. Yes, sir.

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Q. **Was there anybody else other than the intelligence captain and the security lieutenant who routinely was assigned to investigations?**
A. Not that I'm aware of, sir.
Q. **So it was basically you and the captain?**
A. Yes, sir. As directed by, you know, my supervisor.
Q. **Exactly. You, on your own, did not have the authority to begin or to trigger to begin an investigation. You had to ---.**
A. Not unless directed by my supervisor.
Q. **I was just going to say, in every day conversation a lot of us know what the end of the question is and we talk over each other, whatever. But it will be clearer if you wait for me. I'm not offended by it, but we just need a clear record.**
A. Sorry.
Q. **Why don't you in a general sense give me an idea through a description of**

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how you and the captain divided your responsibilities typically? Let me ask you this. I would assume that you and the captain had somewhat different roles in conducting investigations; is that accurate? Or did you do the same things?
A. I'm confused when you say the same rules.
ATTORNEY HALLORAN:
Let me object to the form.
BY ATTORNEY KRAKOFF:
Q. **Roles, not rules.**
ATTORNEY HALLORAN:
You haven't established whether or not the captain is the source of assignment for the investigation?
ATTORNEY KRAKOFF:
No, I wasn't --- I'm not talking about who assigns it. I was talking about --- I'm trying to get an idea of what their --- how they function.
BY ATTORNEY KRAKOFF:

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Q. **Why don't you tell me in a general sense how investigations are conducted, just giving me --- for example, to give you an idea I would assume interviewing certain people would be one of the ways of investigating. Why don't you give me a general sense of how investigations are conducted?**
A. If I understand you correctly, you want me to explain to you how I conducted investigations?
Q. **Yes. I'm not asking you to describe how the world is large. Right. My question is at Cambridge Springs both while you were working with Captain Bartlet and then later when you came to work with Captain Lazenbee, what were the typical kinds of methods that were used to attempt to investigate a matter? You didn't throw dice and say, you know, there's been a charge against inmate X that he did this and you didn't roll the dice and if it came out two, he was guilty or if it came out one, it was unfounded; correct?**

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ATTORNEY HALLORAN:
Are you asking him how did he conduct investigations at Cambridge Springs?
ATTORNEY KRAKOFF:
Right. Yes.
BY ATTORNEY KRAKOFF:
Q. **What were the methods?**
A. The methods that I employed were based on my training as a law enforcement officer and as a correction officer. It was all done by policy and procedure through the Department of Corrections. That's basically it.
Q. **Well, you haven't told me anything about the methods. You've told me that there were policies and there were procedures, but you haven't told me what the policies are or what the procedures are.**
A. The procedures that I employed were --- when I was assigned a case or investigated, whatever I did, fact finding, whatever they wanted to call it, my first step was to interview the person

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or persons involved, get statements, collection and preservation of evidence, final summary report and then that was turned over to my supervisor for disposition from that point on.
Q. **To interview the persons involved would that encompass not only the person who --- against whom allegations were made, but also any possible witnesses who had been identified?**
A. That would be correct.
Q. **That was the same whether you were investigating a member of the prison staff or were investigating an inmate; is that true?**
A. That's correct.
Q. **What role, R-O-L-E, did the captain play in investigations?**
A. The same.
Q. **Okay. So his functions were the same as yours?**
A. Yes, sir.
Q. **Did the captain supervise you though? Was it the captain who told you who to interview and what to do or did**

you act independently?
A. I acted independently, but I also took direction ---
Q. Okay.
A. --- from the captain and supervision.
Q. So it can vary. On occasions you would identify perhaps the persons that you thought you might want to interview and then on occasion the captain would identify people that he wanted you to interview; would that be accurate?
A. Yes, sir.
Q. Okay. Was it your practice to record statements given to you by the accused, I'll call him the accused even though it's not criminal. Do you know what I mean by that? The person charged or under investigation. Was it your practice to in taking interviews to use a tape recorder?
A. Is that the end of the question?
Q. Yes.
A. No, sir.
Q. What method did you use to take

down the statement of a person?
A. The method that I used was a written statement.
Q. Okay. You would tell the person, himself or herself to write out a statement?
A. I would not tell them to.
Q. You would ask them to?
A. Yes, sir.
Q. You didn't --- did you take notes?
A. Yes, sir.
Q. Did you interview the people?
A. Did I interview people?
Q. Was it your practice to say to a person, just write down a statement telling me what occurred without interviewing them as part of this process?
A. No, sir. I would interview them first, took notes, then asked them if they would put that on a written statement.
Q. And the notes, was it your practice to take verbatim notes or to

write down only some of what was said?
A. I was very thorough in taking notes.
Q. Was it your practice to take down verbatim, word by word what was said or to thoroughly summarize what was said?
A. I thoroughly summarized.
Q. Okay. Was it your practice when conducting interviews generally to be one on one with the person that you were interviewing or was it your practice to have somebody there with you at the time?
A. Both.
Q. Depending upon what you thought would best work?
A. Correct.
Q. Then after --- pardon me. After you would prepare notes, what would you do with the notes? Were they placed in a file of some sort or what would you do with the notes?
A. They were contained in the final summation in the whole packet.
Q. Okay. So the notes themselves would be attached to a package of

materials?
A. Yes, sir.
Q. The practices that I've asked you about, were those your practices from the time that you were appointed intelligence or the security lieutenant?
A. Yes, sir.
Q. Now, did I hear you say that you were in law enforcement before coming to the prison?
A. Yes, sir.
Q. What was your position? What were you in law enforcement?
A. Chief of detectives.
Q. For what ---?
A. For Trumbull County over in Ohio.
Q. Is that in where, near Youngstown or ---?
A. That's Trumbull County. It would we Warren, Ohio, sir.
Q. Warren, okay. Now, what I'm going to be asking you about are about actual investigations that you conducted or investigations that I want to know whether or not you participated in or

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conducted. And these investigations are going to be focusing on the alleged sexual exploitation or sexual abuse of women, women inmates at the prison. So that you'll know what I'm talking about when I'm asking you about sexual exploitation or sexual abuse, I'm talking about such things as the touching of breasts, the genital areas of an inmate or the buttocks, kissing, caressing or fondling of an inmate and also attempts by prison personnel to either force or encourage inmates either by threats or by words, by promises to give them gifts, to do those things to encourage or force them to engage in sexual acts with them. Do you understand the definition?
A. Yes, sir.
Q. **Now, you weren't subpoenaed to bring anything with you. I'm going to ask whether you had brought any investigative files with you today?**
A. No, sir, I haven't.
Q. **Have you reviewed any investigative files in order to prepare**

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for this deposition?
A. Absolutely not, sir.
Q. **You seem to be proud of that fact the way you said it.**
A. No, sir, being truthful.
Q. **Okay. Have you reviewed any documents prior to the deposition in order to assist you in recalling events and persons and dates?**
A. No, sir, I have not.
Q. **Have you read any portions of the transcripts taken in this case of Superintendent Wolf, Deputy Karmanic, Captain Lazenbee, Captain Bartlet or anybody else?**
A. I have not seen any transcripts, sir.
Q. **Have you discussed with any of those persons the testimony that they gave at depositions in this case?**
A. No, sir.
Q. **Has anybody relayed it to you the sum or substance of either the entirety or part of the testimony that has been given in depositions in this case?**

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ATTORNEY HALLORAN:
Excluding me.
ATTORNEY KRAKOFF:
Are you claiming attorney/client privilege or ---?
ATTORNEY HALLORAN:
Yes.
ATTORNEY KRAKOFF:
Is there an objection here?
ATTORNEY HALLORAN:
He can say whether or not he discussed it. The content is the privilege.
ATTORNEY KRAKOFF:
I'm going to ask that he answer that.
ATTORNEY HALLORAN:
He can answer it.
A. I'm sorry, would you repeat it?
BY ATTORNEY KRAKOFF:
Q. **Have you discussed with anybody the content of any part of the testimony given in the context of depositions in**

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this lawsuit?
A. I have not talked to anyone about the content or depositions. No, sir.
Q. **When, if you have, and how did you learn about the existence of this lawsuit for the first time?**
A. How did I learn about it?
Q. **Yes. Did you know about this lawsuit at some point prior to today?**
A. Yes, sir. I read it in the newspaper.
Q. **Is that how you originally became aware of it?**
A. Yes, sir.
Q. **Now, who at the prison level has the authority to authorize an investigation of prison personnel?**
A. The superintendent.
Q. **Is he the only person?**
A. In his absence the deputy can do that.
Q. **Okay. But assuming that he's not absent, it's the superintendent's call?**
A. Yes, sir.
Q. **Are the authorizations to conduct**

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an investigation transmitted in writing or are they oral?
A. They may be both.
Q. **It can be either way; is that correct?**
A. Yes, sir.
Q. **How do you find out that an investigation has been ordered? Does it come down the chain of command or do you hear it from the superintendent?**
A. I'm assuming that if I'm directed to do one?
Q. **Yes. What I wanted to know is, I think I probably know the answer, but what I wanted to know is --- you have the superintendent authorizing an investigation. And what I want to know is how you are told that the superintendent has authorized a particular investigation?**
A. Either in writing or verbally.
Q. **I understand that. You mean directly from the superintendent?**
A. Or the deputy.
Q. **Right. So it doesn't come**

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through the captain?
A. It may also come through the captain.
Q. **So it can happen in any of those ways?**
A. Yes. It goes through the chain of command.
Q. **Well, that's what I had asked originally, but the impression I had from your answer is that it can leap over the chain of command by going directly from the superintendent to you.**
ATTORNEY HALLORAN:
Yes, he said it could.
BY ATTORNEY KRAKOFF:
Q. **That's right, but you said that's the chain of command. The impression I have is that --- I'm going to take a break for a minute.**
ATTORNEY HALLORAN:
You can take a break.
OFF RECORD DISCUSSION
BY ATTORNEY KRAKOFF:
Q. **The last thing you said that's the chain of command. What did you mean**

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by that?
A. That means that we have a chain of command here.
Q. **Right. What does that have to do with the transmission of orders or the transmittal of orders from the superintendent to you?**
A. In the absence of the superintendent it goes down the chain of command from there.
Q. **Okay. If the superintendent is not here, the deputy superintendent has the authority to authorize an investigation; correct?**
A. Correct.
Q. **Then you're saying if the deputy superintendent isn't here and the superintendent isn't here then the --- who's next?**
A. The captain.
Q. **The captain, he has the authority; correct?**
A. Correct.
Q. **Then if all three of them aren't here, then you have the authority;**

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correct?
A. No.
Q. **It ends with the captain; is that right?**
A. There's still a chain of command, but in order for me to do an investigation ---
Q. **Right.**
A. --- I would still have to contact one of them.
Q. **You'd have to contact one of them if you want to initiate an investigation?**
A. Correct.
Q. **So it can come from the bottom up? You can reach a conclusion that an investigation is warranted and then you go to the captain assuming everybody's here, and the captain goes to the deputy and the deputy goes to the superintendent; is that right?**
A. Yes, sir.
Q. **Okay. If the superintendent wants to tell somebody in the security office that he is authorizing an investigation, describe to me how that**

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comes to the security office, assuming that everybody is here from the superintendent on down.
A. The superintendent can authorize an investigation ---
Q. You made that clear earlier.
A. --- directly to the security office.
Q. Directly to you?
A. Yes.
Q. Okay. Can authorizations for an investigation also occur at the central office level? Authorizations for an in-house investigation at Cambridge Springs, can that come from the central office?
A. Yes, I believe.
Q. Has that ever happened since you've been here?
ATTORNEY HALLORAN:
Let me object to the form of ---. Do you mean without the superintendent's ---?
ATTORNEY KRAKOFF:
No. The decision to

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authorize an investigation, can that come from the central office?
ATTORNEY HALLORAN:
Do you know the answer to that question?
A. I don't know.
BY ATTORNEY KRAKOFF:
Q. So you don't have a recollection of that ever occurring since you've been the lieutenant, the security lieutenant?
ATTORNEY HALLORAN:
I'm going to object. He can't answer the question of whether he knows the source of how the office ---.
ATTORNEY KRAKOFF:
He's not aware of it since he's been here. He can testify to that.
ATTORNEY HALLORAN:
He's obviously aware ---.
A. I guess it's never happened.
ATTORNEY KRAKOFF:
Well, he won't know.

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ATTORNEY HALLORAN:
What I'm saying is, he's obviously aware of the burden of responsibility as to conducting investigations here. And the question you're asking him is, whether he's aware of how and what the method was that the officer in professional responsibility ended up being here.
ATTORNEY KRAKOFF:
No.
ATTORNEY HALLORAN:
You're not asking him that?
ATTORNEY KRAKOFF:
No. I'm asking for a situation not where OPR, or office of special investigations is conducting investigations. I'm asking whether you can go above the superintendent to the commissioner's office and the commissioner's office pronounces

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that they want something investigated by his security office.
ATTORNEY HALLORAN:
Right. And that's what he said he didn't know.
BY ATTORNEY KRAKOFF:
Q. You don't know?
A. I have no knowledge of it.
Q. Since becoming intelligence --- is it the security lieutenant or the intelligence lieutenant that you're called? Security lieutenant?
A. Security lieutenant.
Q. Since becoming the security lieutenant at Cambridge Springs, have you participated in any investigations of alleged or possible sexual exploitation or abuse of Cambridge Springs inmates by Cambridge Springs personnel?
A. Yes, sir.
Q. Prior to becoming the intelligence --- the security lieutenant, did you participate in any investigations of alleged or possible sexual

exploitation or abuse, sexual abuse that is, of Cambridge Springs inmates by Cambridge Springs personnel?

A. No.

Q. **And again, so that I can at least get some idea of when it was that you became the intelligence --- the security lieutenant that is, can you tell me what year you became the security lieutenant?**

ATTORNEY HALLORAN:

You've asked him that already and he said he doesn't know for sure.

ATTORNEY KRAKOFF:

What I was going to do since we are sitting at Cambridge Springs, I would like to adjourn this deposition for five minutes, because we've been patient all day, and to have the lieutenant contact whoever would have that information so he can tell me.

ATTORNEY HALLORAN:

Okay.

BY ATTORNEY KRAKOFF:

Q. **What are you reading from?**

A. A notebook.

Q. **And can you tell me the date that you became the security lieutenant?**

A. Yes, sir, I can.

Q. **When was that?**

A. April 11th of 1994.

Q. **'94?**

A. Yes, sir.

Q. **Now, I would like you to identify by the name of the staff member every investigation of alleged or possible sexual exploitation or sexual abuse of a Cambridge Springs inmate by a Cambridge Springs staff member that you have participated while security lieutenant.**

A. I don't believe I could name every single one, sir.

Q. **Well, I understand that you might not be able to name --- I would like you to name for me everyone ---**

ATTORNEY HALLORAN:

That you can recall.

BY ATTORNEY KRAKOFF:

Q. **--- that you can recall. And I**

want you to think as long as necessary and I can take five minutes, I can walk outside while you're thinking. I don't want this to be something that you only give five seconds thought to. You give it as much time as you need.

ATTORNEY HALLORAN:

I'm not going to have the witness sit here and spend the afternoon trying to remember the names. You give the ones that you can recall after some consideration and Mr. Krakoff can ask you later if he thinks you were involved in others that you have forgotten at this moment.

BY ATTORNEY KRAKOFF:

Q. **We're going to take a two minute recess while he kind of thinks. Here's a piece of paper that you can write down the names if you can recall any such investigations that you participated in.**

A. Yes, sir.

SHORT BREAK TAKEN

BY ATTORNEY KRAKOFF:

Q. **What were they?**

A. The staff name?

Q. **Yes.**

A. Icker.

Q. **Okay.**

A. And Marty Miller.

Q. **The little --- I don't know that I would call that a booklet --- some sort of a book or whatever it is that you referred to previously to get the date of your promotion to security lieutenant. Would there --- is there anything --- what kind of --- what is that if I may ask? Is that like a calendar or ---?**

A. It's a calendar, sir.

Q. **Did you --- would that calendar assist you in identifying the investigations that you participated in?**

A. No. No way, sir.

Q. **Do you believe that there are more investigations that you were involved in of the nature that I described and where there were allegations of sexual abuse against an inmate or sexual exploitations or do you**

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feel fairly firm that these were the only two you were involved in?
A. I don't recall any others.
Q. So you're fairly confident that these are the only two?
ATTORNEY HALLORAN:
He already answered he can't recall.
BY ATTORNEY KRAKOFF:
Q. Well, I realize you can't recall, but I think I have the right to ask him how confident you are that these are the only two? On a scale of one to ten are you --- is it a seven, is it a nine, is it a one?
ATTORNEY HALLORAN:
Object to the form of the question. It's the best he can recall at the time, right now. You're asking about investigations from April of 1994 to the present.
BY ATTORNEY KRAKOFF:
Q. Let me ask you this. First of all, did you and --- do you and the

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intelligence captain share an office?
A. No.
Q. Was that the case from the time that you began that you had separate offices?
A. Correct.
Q. Was there any way --- strike that.
Did you have any sort of an office worker, clerk or anything, who assisted you? And by that I mean it plural, you and the captain, and/or the captain in keeping records?
A. We had a secretary that typed up our reports.
Q. Did you maintain files of your investigations?
A. Yes.
Q. Do the names of the person who was being investigated ---?
A. Yes, sir.
Q. So there would have been a file created under the name of Icker; is that correct?
A. Correct.

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Q. And there would have been a file created under the name Miller, for Marty Miller?
A. Yes, sir.
Q. Was that file --- were the files of investigations maintained in your office, in the captain's office or somewhere else?
A. They were maintained in the captain's office.
Q. Was there any sort of a log maintained in the security office --- is that what I can call the office that you and the captain headed, the security office or what do you call that?
A. The captain's office was an intelligence office.
Q. Okay, the intelligence office.
A. Yes, sir.
Q. But you were part of that office, weren't you?
A. Yes, sir.
Q. Was there a log book or a list of some sort which reflected the names of cases as they were opened?

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A. Yes, sir, there was.
Q. What was the form of that compilation, I'll call it. Was it a list, was it in a log book, what exactly was it?
A. There was a composition notebook.
Q. Right.
A. It was handwritten with dates, names and case numbers were assigned.
Q. Okay. And the dates were the dates that they were opened, the perspective cases were opened?
A. The dates that were entered in the log book were the dates that the investigation started.
Q. Right. The files would probably be started shortly after that as you began to generate documents; correct?
A. That's correct.
Q. Now, in addition to the investigation of a particular staff member from this alleged misconduct, were files also opened to investigate incidents where there was nobody identified at the time as being involved.

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Let me give you an example. Do you recall an incident where beer cans --- I'm sorry, where condoms were found in the bathrooms of the dining hall basement?

A. I recall that incident, yes.

ATTORNEY HALLORAN: You're asking just if he recalled the incident?

ATTORNEY KRAKOFF: Yes.

ATTORNEY HALLORAN: Okay.

A. Yes, sir. Yes, sir.

BY ATTORNEY KRAKOFF:

Q. Was an investigation open for that? Was that investigated?

A. I don't know, sir.

Q. Were there circumstances where things were investigated, unusual occurrences and you would open a file for that under no staff member's name?

A. Yes, sir.

Q. The condoms that were found in the bathrooms of the dining hall, do you

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recall when that was, what year?

A. No, sir, I don't.

Q. Do you recall --- give me a two-year period or so that it could have occurred in, as best you can recall.

A. Between '94 and '96 to the best of my knowledge.

Q. Were you involved in that investigation?

A. I don't know that it was investigated.

Q. You don't know if it was investigated?

A. No, sir, I don't.

Q. Was it unusual for condoms to be reported by somebody to have been found in a bathroom in this compound?

A. Yes, sir.

Q. Do you know whether any conclusion was reached by anybody as to who was responsible for having those condoms there?

A. I have no knowledge.

Q. Was that an employee's bathroom that the condoms were found in or an

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inmate bathroom?

A. I believe it was an inmate bathroom.

Q. Do you recall whether there was an extraordinary occurrence report in connection with that incident?

A. To the best of my knowledge I believe there was.

ATTORNEY KRAKOFF: Mr. Halloran, that's something that we certainly would be interested in, whatever documents have been generated in connection with that.

ATTORNEY HALLORAN: His answer was he believes there was. I don't really know that there was. I haven't seen one. Off the record.

OFF RECORD DISCUSSION

BY ATTORNEY KRAKOFF:

Q. Why don't you tell me --- strike that.

Do you know how many --- is there

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a title to that book that you referred to, the notebook? Is it called something? Is it like called the investigation notebook or the intelligence notebook? Is there a name given to that book?

A. Yes, sir.

Q. What is it called?

A. Investigative case numbers.

Q. Would there be anything in the investigative case numbers book that would indicate what the nature of the investigation was? In other words, what was being investigated?

A. Are we referring to the condom incident or just ---?

Q. No. I'm just referring back to that book where you said there was a notebook ---.

A. Log book, too.

Q. Right. And you'd have the names, the dates, the case numbers. And what I'm asking you is, was there any description of the nature of whatever it was that was being investigated?

A. When I took that office over there was a column in that book that I initiated that stated what the occurrence ordinance number was, yes.
Q. Was there a similar book that existed at the time you became the security lieutenant? Is there a notebook similar to that, if not identical?
A. Yes, sir.
Q. And that was done by your predecessor?
A. Yes, sir.
Q. Who was that? What was his or her name?
A. That would be Captain Lazenbee.
Q. He was the security lieutenant before you?
A. Yes, sir.
Q. That's what I meant by predecessor. Was there a security lieutenant before you became a security lieutenant?
A. No, sir.
Q. So Captain Lazenbee had a notebook and then when you --- at the

time you became a security lieutenant there already was a notebook, but then as I understand it when you became the security lieutenant or after that, you added a column which would describe the nature of the incident or the allegations; is that accurate?
A. Yes, sir.
Q. I assume, maybe I'm wrong, is there more than one book? More than one notebook?
A. Yes, sir.
Q. Are the old notebooks, to the best of your knowledge, still kept in the captain's office?
A. To the best of my knowledge.
Q. I'm asking in a general sense, what kinds of documents would be inserted in a file that you open? I realize that not every document is going to exist in every case, but what were the kinds of documents that you would often find --- that you would often insert in the file? You know what I mean, like the extraordinary occurrence reports,

misconducts, whatever, memos.
A. EOs, misconducts, evidence, fact finding reports, initial summary reports, conclusive reports, photographs, diagrams, witness statements and notes.
Q. What were initial summaries? I'm not sure --- I don't know what that means. Is that something that was used in connection with fact findings or prior to fact findings?
A. Yes.
Q. Was that kind of to summarize what the issues were or ---?
A. Yes, sir. In my investigative techniques I kept updates for the superintendent. That's what I referred to as those reports. I gave him updates.
Q. How would you --- okay. So then you would prepare some sort of --- you would prepare written updates that you would send to the superintendent's office; is that right?
A. That's correct.
Q. To keep the superintendent apprised of developments or how things

are going?
A. Yes, sir.
Q. Would those be a form of memos usually to the superintendent? In other words, like from the lieutenant back to Superintendent Wolf dated such and such, that sort of thing?
A. Correct, sir.
Q. You would keep either an original or a copy of that summary in your file?
A. Correct, sir.
Q. Were there occasions when you would report --- you would provide an oral report to the superintendent or be called to answer questions by the superintendent about a particular investigation?
A. That was quite possible, yes.
Q. Now, I asked you before about the investigations that you could recall participating in, involving allegations of sexual improprieties. Are there any investigations of alleged sexual improprieties between officers or other staff members and inmates that you didn't

participate in, but that you recall
hearing about?
A. Yes, sir.
Q. Can you tell me and I can give you a minute or two if you'd like. What I'd like you to do is to think say for two minutes about --- because we're trying to identify as many as possible, because we're conducting our own investigation of sorts. So if you can give it a couple of minutes thought and then write down the names of investigations that you heard about, but that you didn't participate in involving sexual, alleged sexual improprieties.
WITNESS COMPLIES
BY ATTORNEY KRAKOFF:
Q. Can you identify --- have you been able to identify some that you heard about, but didn't participate in?
A. Yes, sir.
Q. Can you give me the names of --- I guess you should read it.
A. Lisa Stollard (phonetic), James Mary (phonetic), ---

Q. Okay.
A. --- William Free, John Raun, Judy Leone, L-E-O-N-E.
Q. Okay. Just going back a step before me move forward, did --- I know you said that there was already --- that at some point you --- that there was a book when you became the security lieutenant and I think you said that it had been maintained by Captain Lazenbee, but isn't it true that the captain at that point was Bartlet when you first came in?
A. Yes, sir.
Q. Did Bartlet maintain a notebook of sorts or a record of sorts of the cases --- investigations that he had opened? I'm asking you whether you're aware --- whether you saw such a book or were told about such a book?
A. I have no knowledge of that.
Q. Did you take over --- after you --- at some point did it become your responsibility or your function at least to maintain that notebook or could either

you or Captain Lazenbee make entries in it?
A. We both could make entries in it.
Q. I mean, was it --- I shouldn't have said could. I should have said would. Would both of you make entries in it?
A. Yes, sir.
Q. Did you work on any investigations with Bartlet?
A. I don't recall, sir.
Q. So there's no confusion over this, I wasn't asking whether you worked on the Icker or Miller investigations, I was talking about any investigations. Do you understand?
A. I understand, sir.
Q. And you don't have a --- you don't recall whether you did or didn't?
A. Not specifically, no, sir.
Q. Why don't you tell me about the Icker investigation after you became involved? What you did, what you found out.
A. I don't remember precisely when I

got involved in it.
Q. Did you get involved in the Icker investigation at the beginning?
A. No, sir.
Q. Do you know who had started the investigation?
A. To the best of my knowledge it was Captain Lazenbee.
Q. You mentioned Stollard, Mary, Free, Raun, Leone. You weren't involved in investigating any of those; is that correct?
A. That's incorrect.
Q. Which of those were you involved in investigating?
A. Jim Mary as related to Lambert.
Q. Okay. So then you participated in three --- you can recall three investigations that you participated in; is that correct?
ATTORNEY HALLORAN:
Let me object to the form of the question. I thought his answer was that he didn't directly investigate Mary. He

did it under the Lambert investigation. And I'm understanding his answers.

BY ATTORNEY KRAKOFF:

Q. **Was there a file opened for --- just a Lambert file?**

A. Yes, sir.

Q. **Was there a file opened for Jim Mary?**

A. That was part of the Lambert file.

Q. **Okay. So the Mary file was part of the Lambert file. The Icker file was part of the Lambert file; wasn't it?**

A. That's correct.

Q. **So how is the Mary investigation any different than Icker? They were both part of the Lambert file; weren't they?**

A. Yes.

Q. **So I think that it would be accurate to say that you investigated three officers or three personnel.**

ATTORNEY HALLORAN:

I'm just saying that I didn't want the record to reflect

that there might be a separate investigation file just for Mary.

ATTORNEY KRAKOFF:

Oh, okay.

ATTORNEY HALLORAN:

Because I think it was initiated as part of the Lambert.

BY ATTORNEY KRAKOFF:

Q. **Was there not a separate investigative file for Icker? That was just part of the Lambert file?**

A. Correct.

Q. **With Miller, was there a separate investigative file for Miller or was that part of some other larger file or different file?**

A. The Miller file was separate from Lambert.

Q. **I know that.**

A. It had nothing to do with Lambert.

Q. **Was there a separate Miller --- was there a file opened under the name Marty Miller?**

A. Yes, sir.

Q. **You didn't --- do you know whether Stollard, Free, Raun or Leone were investigated by the intelligence office here at Cambridge Springs?**

A. Yes, they were.

Q. **Those were done by one of the other captains; is that right?**

A. That's correct.

Q. **I think I had asked before for those --- for the investigative files involving alleged sexual improprieties. The only ones that we've gotten are Raun, I think we have one on Mary, there's something on Hammers. I don't think I have anything on Stollard. This is the first time I've heard of Judy Leone. I don't think we have anything on Leone. Zimmerman, there's just a whole --- we've had those names in the past. What was the Judy Leone situation about; do you know, or were you told?**

A. To the best of my knowledge as I didn't do the investigation she apparently was involved with an inmate and confessed to it. That's just --- I

thik in the last --- two months ago.

Q. **Okay. That's recent.**

A. Yes.

Q. **Why don't we --- this might be more productive. There are other names I'll represent to you that we've heard that would fit my definition of some sexual impropriety, not necessarily of a physical nature. And I'm going to ask you whether you heard anything about these either by reviewing an extraordinary occurrence report, if being told by somebody on the staff, reviewing the request of staff member or perhaps you can recall whether there was an investigation out of the intelligence office during this time.**

Carl Zimmerman, did you hear anything about an employee by the name of Carl Zimmerman having an inappropriate relationship with any inmate?

A. Yes, sir.

Q. **When was it that you heard this?**

A. My first years.

Q. **Was it fairly early on your time**

here?
A. Yes, sir.
Q. What were you told? Generally what did you hear about that?
A. Basically what you just referred to that he was involved with an inmate and he was under investigation.
Q. Do you know whether a file exists in your office relative to Carl Zimmerman?
A. When I took over that office there was no Zimmerman file.
Q. This probably would be productive. I think that if we could get those notebooks over here and have the lieutenant look at those notebooks, we might be able to see whether there is a Zimmerman file.
ATTORNEY HALLORAN:
He just testified there was no Zimmerman file when he took over the office.
ATTORNEY KRAKOFF:
Well, he said no Zimmerman file. I don't know

that he said that he didn't.
ATTORNEY HALLORAN:
He said he heard that --- but he said there was no file. He just testified.
BY ATTORNEY KRAKOFF:
Q. Do you know whether there was a Zimmerman listed in the notebook?
A. I never saw it in the notebook.
Q. Well, did you review the notebook? There already was a notebook when you started; correct?
A. For the beginning of that year.
Q. That's what has me a little bit confused. Because if there was a notebook when you started and if Captain Lazenbee hadn't become --- he had been the --- what was Lazenbee's involvement with intelligence before you started? Was he the lieuten --- I don't understand. What did Lazenbee have to do with the intelligence office at the time you started?
A. He wasn't intelligence. Well, Captain Bartlet was the intelligence

captain.
Q. Right. And what was Lazenbee?
A. Captain of the guards.
Q. Right. He wasn't involved with intelligence at that time; correct?
A. Not at that time.
Q. But you said when you started there was already a notebook; correct?
A. Correct.
Q. So that notebook must have been started by somebody before you got there; correct?
A. Correct.
Q. Well, when you first got there did you review that notebook to see whose names were in it or who was listed?
A. No.
Q. So you don't know whether Zimmerman's name is in there or not; do you? Whether it would have been in the notebook before you even became the security lieutenant.
A. There was a new notebook started every year, prior to when I started.
Q. Right.

A. I'd have no knowledge of what was in there.
Q. Right. So what I'm saying is I don't know that he --- I don't know that he can testify today that he can rule out files --- the existence of some files in these cases.
ATTORNEY HALLORAN:
Are those notebooks available?
A. I don't know.
OFF RECORD DISCUSSION
ATTORNEY KRAKOFF:
Back on the record. Mr. Halloran has indicated that because the captain is not in here today ---
ATTORNEY HALLORAN:
Security captain.
ATTORNEY KRAKOFF:
--- security captain, it's not feasible to look for or to locate or to take or to remove I suppose the notebooks. And so what we'll do is continue

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questioning Lieutenant Beck rather than calling an end to the deposition until we can get those books. And then we will arrange to --- what we would like to do would be to have a way where we can review the notebooks to see whether there are things that are pertinent. And then after that if we think that it's necessary to recall Lieutenant Beck or whatever, we can do it at that time. Is that agreeable to you?

ATTORNEY HALLORAN:

Yes.

ATTORNEY KRAKOFF:

The only thing is, is before when I said whether we did have materials on --- I might have said that we have files or something or documents in connection with, I think, Mary and I think I said Miller and Raun. Much of the documents --- I think Mary's is strictly

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limited to a report from the office of special investigation or OPR and I don't have --- we don't have any other documents.

And I guess what we're saying is that if we would like those files to be looked through for each of the people who have been identified in these depositions and to see whether there are files and then obviously to see if there are any other files that would fit within those categories.

ATTORNEY HALLORAN:

We've looked at some of this --- we've looked through four files. The source of the confusion might be, I believe, some of these matters arose after the fact and related to the coincidence where for which there weren't any files or of course the actions had already been taken without files. I mean, I'm

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not saying --- I'm not guaranteeing that because of the name here that that means there's a file.

ATTORNEY KRAKOFF:

Well, I understand that, but let me just make it clear. Like for example Carl Zimmerman, we would like whatever documents, if there are --- if there's an extraordinary occurrence report. If there is a written reprimand or written warning. If there are any investigative documents associated with that. If there are notes taken by an investigative officer, talking about Lisa Gunnerson or somebody else, we would like those. Paul Walton, there has to be fairly extensive files for that I would assume because that case was prosecuted in the criminal courts. We've gotten a lot in connection with Icker, Jim Mary,

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I think the OPR.

I don't know if there's anything --- Jerome Coffee, Schmidt, Rogers. If there's anything for Lieutenant Beck, Wayne Young, Officer Stone, Harry Stewart. We have --- we received a lot on Raun. I assume that's everything. I don't know if there's anything for Monteho (phonetic). His name was brought up in connection with an interview with the Metzker (phonetic) interview.

Lisa Lambert, Bill Free, Arnold Dequine (phonetic), former laundry supervisor. Richard Hammers, I think we have something. I don't know if it's an OPR report or something. We do have something on him, but I don't know that we have everything. Randolf. I think Lieutenant Morts did come afterwards, but I don't know how

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long afterwards. Jennifer Langford. Marty Miller we received extensive documents on. Linda Vish, Lisa Stollard, Bruce Allen and CO Lawfton (phonetic). Those are the names that have arisen during one deposition or another. And there may be others.

BY ATTORNEY KRAKOFF:

Q. **Okay, you've heard those names and I think we left off with Zimmerman. Paul Walton --- were you involved in an investigation of Paul Walton and an inmate by the name of Emma Glacko (phonetic)?**

A. Yes, sir.

Q. **Okay. So I can add that to the list of cases that you investigated?**

A. I was involved in that investigation, yes.

Q. **You already mentioned Jim Mary. Jerome Coffee, did you hear anything about Jerome Coffee allegations of any sexual proprieties on his part in**

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relation to an inmate?

A. I heard his name was mentioned, I have no knowledge of any investigation going on.

Q. **Are you familiar with the name Arita --- I'm not sure if I'm pronouncing the first name --- Diaz is her last name. They call her the cat or something of that sort? Marisa Diaz.**

A. We have an inmate here named Marisa Diaz.

Q. **Right. That's who I'm talking about. Was she the subject of an investigation, her involvement with any officers?**

A. I don't know, sir.

Q. **Are you aware of any allegations that you were involved with an inmate by the name of Margilene DiBello (phonetic)? Have you heard that before today?**

A. Yes.

Q. **Do you know whether you were investigated?**

A. I don't know that I was.

Q. **How did you hear about**

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allegations of your having some involvement with Ms. DiBello? How did that come to your attention?

A. Other inmates told me.

Q. **Did any officers mention it?**

A. I don't really recall.

Q. **Were you interviewed by anybody on the staff about the allegations?**

A. I don't recall if I was or not, sir.

Q. **Philip David Schmitt, are you aware of either any investigation being conducted about him or allegations against Officer Schmitt?**

A. Yes, sir.

Q. **Since that was a compound question, I'll clarify it. Are you aware of any investigation of Officer Schmidt?**

A. Yes, sir.

Q. **Was that conducted by your office, by the intelligence office?**

A. Yes, sir.

Q. **Do you know who conducted that? Was that out of OPR?**

A. That's correct, sir.

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Q. **When OPR investigates, do you receive a copy of the report after they've issued a report?**

A. No, sir.

Q. **Are you apprised of --- I remember you talked about how you would update the superintendent as investigations were going along. Would OPR update you or the captain, to your knowledge, about their investigations and how they were going along?**

A. They never updated me, no, sir.

Q. **Would you even be officially informed that there was an OPR investigation or is this simply something you would hear through the grapevine?**

A. I would probably be apprised of the investigation if we requested them to become involved.

Q. **So did your office request that OPR investigate Officer Schmidt?**

A. I don't recall, sir.

Q. **What about Officer Rogers? Are you aware of any investigation of Officer Rogers?**

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A. I'm not aware there was an investigation.
Q. Did you hear any allegations against Officer Rogers in connection with any supposed sexual improprieties?
A. I believe his name was mentioned, yes, sir.
Q. Do you remember the circumstances of what he allegedly had done?
A. No, sir, I don't recall that.
Q. Wayne Young. Had you --- do you know whether he was investigated either by your office or by OPR?
A. I don't recall, sir.
Q. Did you hear any allegations about him?
A. Yes, sir.
Q. Do you recall the general nature of those allegations?
A. No, sir, I don't.
Q. Did you just hear this kind of like through the grapevine? Was it through other staff members, through other inmates or ---?
A. Both, sir.

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Q. Both. What about Harry Stewart? Are you aware of any investigation of Harry Stewart either by your office or by OPR?
A. I have no knowledge of that, sir.
Q. Did you hear anything about allegations against Harry Stewart?
A. Yes, sir.
Q. What did you hear?
A. These people that you're mentioning came from a list of names that Lambert wrote saying that these people did certain things.
Q. All of these?
A. Yes. Most of those names, yes.
Q. Because I can show you the list.
A. I won't say most, but some of the names.
Q. Okay. Did you receive a --- I'll show you Exhibit 125 and see if this is the list that you're referring to.
WITNESS REVIEWS EXHIBIT
BY ATTORNEY KRAKOFF:
Q. The next two pages. Is this the list that you're referring to?

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A. Yes, sir. Yes, it is.
Q. How did you --- you saw this at some point?
A. Yes, sir, I did.
Q. And was it something that --- did you get a copy of this in your office or how did you come to see this?
A. It's part of the Lambert file, sir.
Q. Did you conduct any investigation to either confirm or refute allegations about the personnel named in this document?
A. No, sir. Not that I recall.
Q. Do you know whether Captain Lazenbee conducted an investigation?
A. I have no knowledge of that, sir.
Q. Do you know whether Captain Bartlett conducted an investigation?
A. Again, I have no knowledge of that, sir.
Q. And I take it you would not have knowledge of whether OPR investigated these allegations; is that correct?
A. That's correct, sir.

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Q. So were you aware --- are you aware of anybody investigating these allegations?
A. No, sir.
Q. Did you become aware of any allegations involving Emanuel Monteho other than the allegations that are contained in Exhibit 125? Did you hear allegations from any other source?
A. No, sir.
Q. Are you aware of any investigation conducted by your office of Arnold DeQueen (phonetic)?
A. Who?
Q. He might not have been here when you were here. Arnold DeQueen, a laundry supervisor?
A. I know who you mean.
Q. Are you aware of any investigation conducted?
A. Not at all, sir.
Q. Okay. Now, have you ever participated in a discussion with Superintendent Wolf or been present when Superintendent Wolf expressed concerns

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about the level of sexual exploitation or sexual abuse of inmates by Cambridge Springs personnel?
A. Could you repeat that?
Q. **Yes. Have you ever been present when Superintendent Wolf expressed concern over the level of sexual exploitation or sexual abuse by staff here against inmates?**
A. Yes, sir.
Q. **Do you remember when that occurred?**
A. Not specifically. No, sir.
Q. **Can you give me an estimate of the approximate time period that you recall him expressing that concern? You came here in April --- I'm sorry. You became the intelligence captain in April of 1994. You came to the institution earlier than that. Was it prior to the time that you became the intelligence captain or the intelligence --- the security lieutenant or was it after that you heard him express his concerns?**
A. It was after I became security

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lieutenant.
Q. **Do you believe that it occurred between April of 1994 and January of 1996 or do you believe it occurred after January of 1996? I'm giving you the period from the time you became a security lieutenant on January 1st, 1996.**
A. It occurred during that period.
Q. **During which period? Between April of '94 and January 1st of '96 or the second period? That would be from January of 1996 later.**
A. The first period.
Q. **How many times --- strike that.**
Was it more than once you heard the superintendent express such a concern?
A. Yes.
Q. **Do you remember the context when he expressed such a concern? In other words, was it a meeting of some sort, was it a situation where you were in his office? Was it some other circumstance?**
A. To the best of my knowledge it came up at staff meetings, operations

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meetings, just one on one.
Q. **One on one between you and him?**
A. Yes, sir.
Q. **Did he --- other than expressing that concern, did he say anything else about the level of alleged exploitation or abuse?**
A. I'm sorry, I don't understand.
Q. **Well, did he --- I don't want to put words in your mouth. He made that expression, but did he say what should be done or give any directives or whatever?**
A. He said that he was quite concerned about it and we often talked about resolutions.
Q. **What kinds of resolutions were discussed?**
A. More training on sexual harassment. The introduction of cameras and things of that nature.
Q. **In areas --- in what kinds of areas was he talking about the introduction of cameras?**
A. In all the areas of the institution.

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Q. **Okay. Where did they exist when he started talking about cameras? Did you have cameras anywhere in the institution?**
A. Not at that time, no, sir.
Q. **Do you know --- at some point in time were cameras introduced at the institution?**
A. Yes, sir.
Q. **Do you know approximately when the cameras began to be installed?**
A. It was this year.
Q. **Okay. Were they installed in any --- why don't you tell me, you know, where they were installed?**
A. It's been an ongoing process.
Q. **Why don't you tell me about where to date so far the places you can recall where they are now?**
A. They're installed in all the housing units, dietary, visiting room, control, personnel.
Q. **Any of the basement areas, where the shops are?**
A. No basement areas. Well, the

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basement of Curry Hall, yes.
Q. That's where the shops are?
A. What, sir?
Q. Are the shops there?
A. No. The shops are on the first floor?
Q. What's in the basement?
A. A music room, an activity room.
Q. Are they in the hallways of Curry Hall now?
A. Yes, sir.
Q. Are they anywhere else in the basement area? Are they in the rooms themselves?
A. Not in the rooms themselves, no, sir.
Q. Okay. Did the superintendent say why cameras --- why he thought cameras were --- why he wanted cameras to be installed? Did he say what the benefit would be from having cameras installed?
A. Yes.
Q. What did he say?
A. Specifically?
Q. Well, not verbatim, but why

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cameras? What were they ---?
A. Basically for the security.
Q. Right, I understand that. How is it according to what he said, how is it going to help security?
A. We would enhance our ability to monitor staff and inmate movement.
Q. You'd be able to see what's going on ---
A. Yes, sir.
Q. --- in areas that you couldn't see unless you were there?
A. Correct.
Q. You said something about more training; is that right? That was another way that Superintendent Wolf wanted to address the problem; is that correct?
A. Yes, sir.
Q. Was he --- was anything --- did he say anything specific about what kinds of training he was talking about and who for?
A. It was for all staff.
Q. Did he say the kind of training?

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A. Basically adhere to the mandated training and on the sexual harassment.
Q. Okay.
A. More staff awareness.
Q. Do you recall whether after he first expressed that, the need for more training, did he --- do you know whether anymore --- whether any additional or different training was introduced at Cambridge Springs?
A. In reference just to ---
Q. Yes. To the issue ---
A. --- sexual?
Q. --- of sexual, exactly.
A. Not that I'm aware of.
Q. Did the superintendent suggest anything else to address the problem of exploitation or sexual harassment with inmates?
A. I think he clarified that he wanted more supervision, more awareness, more documentation.
Q. Documentation of what, movements or ---?
A. Documentation of any of the

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incidents that occurred.
Q. Did he express any criticism of the existing way incidents of that nature were being documented? Did he say they were too vague, did he say they weren't detailed enough?
A. He didn't reflect that to me, sir.
Q. Okay. Do you whether any changes in the way incidents were documented occurred after he brought that issue up?
A. No, sir.
Q. Do you know whether there was any training of the staff in connection with the documentation of incidents to improve the documentation after the --- after Superintendent Wolf raised that issue?
A. Not that I'm aware of. No.
Q. Okay. Now, did you have any similar discussions with Deputy Superintendent Auts in connection with the exploitation or sexual abuse of inmates by staff? You've talked about Wolf. Did you hear any of the same things from Deputy Superintendent Auts?

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A. Not that I can recall, sir.
Q. Are you aware of any memos or other written documents in which Superintendent Wolf or other members of the administration at Cambridge Springs expressed concerns about the level of sexual exploitation or abuse at the prison?
A. I'm not aware of any memos.
Q. Are you aware of anything in writing of this sort, whether you call it a memo or a directive or an order or a letter? Are you aware of anything in written form of that sort?
A. No, sir, I'm not.
Q. Are you aware of any documents from Commissioner Horne (phonetic) or --- from Commissioner Horne or his predecessor, Commissioner Lahman (phonetic) expressing concern about the level of sexual exploitation or sexual abuse at Cambridge Springs by officers against inmates?
A. I've never seen anything from either one of those gentlemen.

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Q. What about documents of that nature from Officer of Professional Responsibility from Michael Walanon (phonetic) or from Vaugh Davis (phonetic) or other officials that --- at OPR? Are you are aware of the existence of any such documents?
A. From OPR, no, sir.
ATTORNEY KRAKOFF:
Do you want to take another three-minute break and then --- now, I'm just going to get into some of the investigation of Icker and the other ---.
ATTORNEY HALLORAN:
It's only until four o'clock because my family ---.
ATTORNEY KRAKOFF:
I've only reached the ---.
SHORT BREAK TAKEN
BY ATTORNEY KRAKOFF:
Q. Okay, let's focus on the Icker investigation. I'm going to refer you to

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group Exhibit 11, the bottom one of group 11. It's pretty thick. Let me just refer to one thing. The first page is April 7, 1994. It's an extraordinary occurrence report. I don't know --- I can't determine who this is from. I don't know if you can. A something or other. Do you know who that means?
A. Yes, sir.
Q. Who is that?
A. That's Officer Reich.
Q. And this is four days before you became a lieutenant --- security lieutenant. Did you become invol --- these are allegations about some sort of an encounter between Lisa Lambert and Icker. Were you involved in investigating this incident?
A. No, sir, I was not.
Q. Is it your recollection that Captain Bartlet was handling this investigation? That aspect of the investigation?
A. It would have been either Lazenbee or Bartlet, yes, sir.

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Q. If you turn to Exhibit 40, this --- I'm sorry. We know that --- in Exhibit 13 we know that in April of '94 Bartlet was the security captain. That's April 14th, which would have been three days after you came on board; correct? Does this help refresh your recollection that Bartlet was the intelligence captain at the time that this event initially came under investigation?
A. Yes, sir.
Q. Let me refer you to Exhibit 19. This is a document from Superintendent Wolf to Deputy Commissioner Folkimer (phonetic) and the subject is the investigation of CO-1 Icker, Inmate Lambert --- it's 19. You'll see that it's by Keith R. Bartlet, intelligence captain and it's dated November 29, 1994. Does this refresh your recollection that for at least the first several months of the Icker investigation Keith Bartlet was the intelligence captain as opposed to Captain Lazenbee?
A. That's correct.

Q. **Okay. Now, at some point you became involved in the investigation. Do you remember when that was?**
A. No, sir, I don't.
Q. **Do you know how many investigations of Icker there were in connection with Lisa Lambert?**
A. To the best of knowledge there was only one.
Q. **Okay. Wasn't there one that involved something about her being found on the fourth floor of Luder Hall and some question about whether Icker had been on the fourth floor with her?**
ATTORNEY HALLORAN:
Do you have a time for this?
ATTORNEY KRAKOFF:
Yes. I'm referring to Exhibit 13. This was an incident that occurred four days before Officer Beck became a lieutenant.
A. That was a fact finding document of Bartlet.
BY ATTORNEY KRAKOFF:

Q. **You weren't involved that aspect of --- whether we want to call it one investigation or two. You were not involved in investigating whether Icker was with Lambert in Luder Hall on the fourth floor or any other floor; correct?**
A. Correct. I was not involved in that.
Q. **Did you become involved in the investigation of whether Officer Icker was involved in sexual activities with Lisa Lambert and other women at the prison?**
A. Yes.
Q. **You don't recall when you became involved?**
A. No, sir, I do not.
Q. **I'm going to help you with that I think by referring you to some exhibits. But before we get to that, I'm going to ask you about an incident involving or allegedly involving an inmate by the name of Hoover. Can you turn to Group Exhibit 18, please. This is something that was prepared --- we had had some testimony**

earlier. It was prepared by Deputy Superintendent Karmanic. Do you recall whether you were given a copy of this or reviewed this document more or less at the time it was prepared in November of '94?
A. I don't recall seeing this document.
Q. **I'm going to ask you. There was one entry in there that I wanted to ask you whether you know anything about. You'll see on page three of this document at the top of the page. Do you see where it says caught hell last time? I'm sorry you don't have it?**
ATTORNEY HALLORAN:
You have it misnumbered.
BY ATTORNEY KRAKOFF:
Q. **Oh, really. Oh, you mean it's without a ---?**
ATTORNEY HALLORAN:
That's really page four. We marked it the last time.
BY ATTORNEY KRAKOFF:
Q. **He caught hell, you're right.**

ATTORNEY HALLORAN:
So what you have marked as page three I think we decided was page four the last time.
BY ATTORNEY KRAKOFF:
Q. **Let me start on page --- what is marked page four, which is really page three. It's out of order. It says Icker doesn't understand why staff aren't telling the same story. Pete Helm's (phonetic) present when Reich said watch I'm going to get Icker and question him. Said Reich, and he always had a decent relationship. When she did that he thought better let super know because he caught hell last time. Then it quotes, Hoover incident in stairway, close quote. Do you know anything about an incident in the stairway involving Icker and an inmate by the name of Hoover?**
A. I have no knowledge of anything.
Q. **Here's a document, Exhibit 17, if you can turn to that. It's the one before the one we just reviewed. This is Keith Bartlet, Intelligence Captain, and**

actually he did this on behalf of Superintendent Wolf to the Commissioner and this involves the inves --- the subject of the investigation of Inmates Lambert and Jauka (phonetic). If you can review this and tell me whether --- you already were lieutenant at this point, whether you have a recollection of reviewing this document at or about October of '94.
A. I have seen this document before.
Q. **You don't know whether you saw it back in '94 or perhaps sometime later?**
A. It was later sometime.
Q. **You'll note in the last paragraph it says, after meeting with Deputy Karmanic and Captain Bartlet, we believe it would be in the best interest of the institution that the special investigation office be involved. I therefore am requesting that you assign this case to special investigations office.**
Now, can you tell me whether you have a recollection of ever having a

discussion with Intelligence Captain Bartlet about whether or not the Lambert investigation --- and I guess we can call it the Lambert at this point, the Lambert/Jauka investigations, whether you ever had a discussion with Bartlet about whether they should be investigated in-house or whether it should be sent out to OPR to investigate? Were you involved in considering that?
A. No. I never had a discussion with Captain Bartlet on that.
Q. **So as of October of '94 do you know whether you had had any involvement by October of '94 when this case is going to be sent up to OPR? Are you fairly confident up to that point you weren't involved?**
A. I don't believe I was, sir.
ATTORNEY KRAKOFF:
You know, probably the most --- I'm just wondering whether the most --- because I'm asking --- recalling things when he doesn't even have the file in

front of him. And I'm just wondering whether the most productive way to handle this is --- and we only have about another 15 minutes anyway, is to at least ---. If that's agreeable to you, why don't we just stop --- I just have what two generic --- very general questions that don't involve investigations and then we'll finish for the day. Is that agreeable to you that we come back at a later time when hopefully we will have the notebooks located, made available and then have the Icker file here and the Miller file here from his office so that he can make reference to whatever notes he --- I'm asking him questions about what he recalls and he doesn't have the benefit of the file.
ATTORNEY HALLORAN:

I believe that we have produced all the Miller/Icker stuff. I don't think that there is going to be a file. I mean, we'll look, but I believe that that's already been produced for you. I believe you have reports done by Lieutenant Beck.
ATTORNEY KRAKOFF:
Well, I do. Later on --- we know that --- I mean, I have documents from Lieutenant Beck that he authored and I have like particularly like in the Miller interviews conducted by Lieutenant Beck, but maybe there's nothing in these files that would show.
BY ATTORNEY KRAKOFF:
Q. **Let me ask you. Would you keep any records that --- notes or otherwise that would indicate to you such things as when you became involved with an investigation and then maybe some chronology by dates or something showing**

when you did particular things. Did you do that sort of thing?
A. Do you mean personally?
Q. Yes. When you became involved in an investigation --- I'm trying to figure out whether it makes any difference whether you have a file here or not. Would a file help you be able to determine whether, you know, when you did things, when you became involved and when you did things on what date or whatever. Did you keep any sort of ---?
A. Everything that I have?
Q. Yes.
A. I put in that book.
ATTORNEY HALLORAN:
It might help then.
BY ATTORNEY KRAKOFF:
Q. Well, let us check.
ATTORNEY HALLORAN:
I don't mind checking again, but it's my understanding that you got some of these things there either isn't a file or we want to make sure we look for

some of those inmates that are not the direct focus of your inquires. But I thought ---.
ATTORNEY KRAKOFF:
No, we have --- we have documents. I just --- I know that when some people conduct investigations or perform services or whatever they'll keep like a sheet of paper inside the file and just keep like June 1st, interviewed such and such. June 3rd, interviewed such and such. August 15th, prepared mem --- you know what I mean? Some sort of a running file so that you can look at a document and be able to determine when you did certain things. I don't know if you did that sort of thing.
A. That would be what I would consider supplemental notes and they would be in that file.
BY ATTORNEY KRAKOFF:
Q. Okay. I don't --- this is going

to be general these last few minutes. Let me show you where a ---.
OFF RECORD DISCUSSION
BY ATTORNEY KRAKOFF:
Q. Can you define what you mean by --- what was it called, supplemental reports?
A. I call them supplemental.
Q. Can you look through these two volumes and see if you can find what you refer to as supplemental?
A. Investigate then write it out and then give it to the secretary --- I get her to type it up as part of the report.
Q. Oh, okay. This is page ---.
A. Maybe I'm using the wrong terminology.
Q. No, it's your own ---.
A. I call them ---.
Q. Yes. Whatever you call them is --- Group Exhibit 43 on page six where it says interview with Robin Owens. Then it goes, the text has stated she is frightened by Mr. Miller who has put his arms around her and it goes on from

there. That's what you refer to as a supplemental note?
A. Yes, sir. And it's dated June 8th, 1995.
Q. That's right. So when you perform something --- and sometimes there would be two supplemental notes on the same page; right?
A. Yes, sir.
Q. So if you collected --- usually when you perform a task, other than interviewing would you do a supplemental note as well? I mean the examples you gave me you had interviewed somebody and you took a note of whatever it was that you were --- whatever the person told you. Did you do supplemental notes for other kinds of activities?
A. Occasionally.
Q. So in order to know when you became involved in a particular investigation, I guess the way to do it would be to look back at your supplemental notes and just find out what the first supplemental note date is; is

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that correct? Is that how you would be able to reconstruct when you became involved by looking back at your earliest --- more or less when you became involved by looking back at your first supplemental note? There are other --- there's another document ---.

ATTORNEY HALLORAN:

Why don't you let him answer the question.

BY ATTORNEY KRAKOFF:

Q. Yes. Why don't you answer?

A. I don't believe that would be concise.

Q. There's another document that says when you were assigned the case too, right? I've seen those.

A. I believe there is, sir.

Q. Yes.

BRIEF INTERRUPTION

BY ATTORNEY KRAKOFF:

Q. Now, I note that you have a name tag on your white shirt that says Lieutenant Beck; correct?

A. Correct, sir.

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Q. You also have jackets that you wear sometime over the white shirts?

A. Yes, sir.

Q. Is that just the top of the suit jacket or is there also an over jacket that is part of the uniform during inclement weather?

A. There's both.

Q. On the top of the suit jacket do you wear --- are you required to have a name tag on the outside of the suit jacket?

A. Yes, sir.

Q. On top of the outer coat --- I guess --- is it called a winter coat here or ---?

A. Yes, sir.

Q. On top of the winter coat is there also a name tag that is supposed to be worn?

A. I don't believe that's a requirement for the winter coat.

Q. Okay. But in terms of the top of the suit coat that is a requirement; is that right?

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A. Yes, sir.

Q. If an officer does not have his name tag, is he subject to any sort of either warning or disciplinary action?

A. On which item?

Q. On either. If he doesn't have a name tag on his coat or doesn't have a name tag on the white shirt or whatever the color of his shirt. It may be --- somebody who's not a white shirt. Is he considered to be out of uniform?

A. I would say.

Q. If you're out of uniform does that subject an officer to potential sanctions?

A. Not necessarily.

Q. Are there circumstances where that can lead to sanctions?

A. Through progressive discipline.

Q. So that if an officer --- if an officer is --- is the first part of the progressive discipline to tell the officer to put the tag on?

A. Yes, sir.

Q. Okay. And if the officer doesn't

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put the tag on, what can happen next?

ATTORNEY HALLORAN:

I'm going to object. You mean if the officer refuses to put a tag on?

ATTORNEY KRAKOFF:

Refuses or fails.

ATTORNEY HALLORAN:

I think that's two different questions.

ATTORNEY KRAKOFF:

All right, could be.

BY ATTORNEY KRAKOFF:

Q. If the officer fails to put the tag on after being told to do so.

A. We've never had that happen in the institution.

Q. Okay. Have you ordered officers to put their tags on?

A. Not to my knowledge I haven't.

Q. Do you go to roll call?

A. Yes, sir.

Q. Okay. Is that something you do every day? Every day that you're working?

A. Not necessarily.
Q. Are officers under you sergeants on down required to attend roll call every day?
A. Yes, sir.
Q. Have you attended a fair share of roll calls over the years?
A. Yes, sir.
Q. Do you know whether they're --- have you ever conducted roll call?
A. Yes, sir.
Q. How many occasions do you figure you've conducted roll call over the years? More than 50?
A. More than 50 times per year?
Q. No. More than 50 times since you've been here?
A. Yes.
Q. A couple hundred times?
A. I don't know, sir.
Q. As part of conducting of roll call, is there any requirement --- is there any inspection of the officer's uniform?
A. Yes, sir.

Q. Was that the case in 1994 and 1995 and 1996?
A. Yes, sir.
Q. How is the inspection --- how is it conducted?
A. Personal observation.
Q. Okay. By the shift commander or by somebody under the shift commander?
A. The person that does the roll call.
Q. Are the officers lined up in a way that you can observe each one of them at roll call to see if they're in full uniform?
A. Yes, sir.
Q. They're in lines of some sort?
A. Yes, sir.
Q. Now, had there been occasions when you conducted roll call that you saw officers who did not have their name tags on?
A. Not that I can ever recall.
Q. And then there have been other occasions when you didn't conduct roll call that you would attend; is that

correct?
A. There were occasions that I didn't attend roll call.
Q. Okay. Out of approximately 300 roll calls a year that an officer might have to attend, that's excluding days off and vacations, how many roll calls during the course of the year did you usually attend?
ATTORNEY HALLORAN:
I object to the form of the question. An answer may be different depending on whether he was a sergeant or a lieutenant.
BY ATTORNEY KRAKOFF:
Q. Okay. Since you became lieutenant?
A. I just got done being acting captain a few months ago. I wasn't required to attend any roll calls.
Q. All right. But when you were the lieut ---.
A. We're just basing it on the last two months. That's all I can base it on.
Q. Well, your memory takes you back

further than the past few months.
A. Further?
Q. Yes.
A. Probably most of them.
Q. Then when you were a sergeant you attended all of them; correct?
A. Correct, sir.
Q. All right. During the time period that you were a sergeant and during the time that you were lieutenant --- after you became a lieutenant and you attended roll call, did you observe officers without their name tags on?
A. I don't ever recall that.
Q. Now, where do you --- have you had an occasion where you've had to replace your name tag since you've been lieutenant?
A. Yes, sir.
Q. Where would you --- how did you replace it? Where did you get another name tag from?
A. From our sign shop.
Q. Okay.
ATTORNEY HALLORAN:

I'm going to object to the form of the question as it relates to when the sign shop was in existence and when it wasn't.

ATTORNEY KRAKOFF:

Right.

BY ATTORNEY KRAKOFF:

Q. There was a time before the sign shop produced name tags; correct?

A. I'm sorry?

Q. There was a time when you had to order the name tags from outside the institution?

A. Yes, sir.

Q. Would that be from another institution you'd have to order them or was that from a private company; do you know?

A. I have no idea where they got those.

Q. Okay. When you conducted inspections at roll call, was observing for the name tag part of the inspection? Looking to see if there was a name tag?

A. Yes.

ATTORNEY KRAKOFF:

I don't have any further questions.

ATTORNEY HALLORAN:

No questions.

ATTORNEY KRAKOFF:

We're going to adjourn this deposition and Mr. Halloran and I will schedule another time that's convenient for both of us and for the lieutenant.

ATTORNEY HALLORAN:

Depending on what the documents reveal about his involvement.

ATTORNEY KRAKOFF:

I do have questions.

ATTORNEY HALLORAN:

Well, that's right. You don't have much to finish. We're not conceding to reopening areas that we're already covered.

ATTORNEY KRAKOFF:

Well, no, I know that. Thank you.

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DEPOSITION CONCLUDED AT 4:14 P.M.

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